

Neighborhood/Community Affairs Committee Meeting  
September 24, 2012

**Discussion Regarding Requiring Miami Beach Restaurants To Post Scores Given By The Health Department.**

*Commission Item C4A, November 17, 2010  
(Requested by Commissioner Weithorn)*

Kevin Crowder, Economic Development Division Director

**ITEM 5**



## COMMITTEE MEMORANDUM

TO: Neighborhoods/Community Affairs Committee

FROM: Kathie Brooks, Interim City Manager

DATE: September 24, 2012

SUBJECT: **DISCUSSION REGARDING REQUIRING MIAMI BEACH RESTAURANTS TO POST SCORES GIVEN BY THE HEALTH DEPARTMENT.**

### **BACKGROUND**

In Florida, All public food service establishments require an inspection to ensure compliance with public health and safety laws upon initial licensure. The Division of Hotels and Restaurants routinely inspects public food service establishments 2-3 times per year. Each inspection report is a "snapshot" of conditions present at the time of the inspection. On any given day, an establishment may have fewer or more violations than noted in their most recent inspection. An inspection conducted on any given day may not be representative of the overall, long-term conditions at the establishment. Because conditions can change rapidly, establishments are not graded or rated.

The results of each inspection visit are recorded at the end of the inspection. Beginning in December 2007, the division added plain language alternatives to the inspection reports and the portal display to help the public better understand the results. These results and dispositions fall into the following categories.

- MET INSPECTION STANDARDS during this visit.
- FOLLOW-UP INSPECTION REQUIRED: Violations require further review, but are not an immediate threat to the public.
- FACILITY TEMPORARILY CLOSED: Operations ordered stopped until violations are corrected.

Additional detail on each of these categories is included in Attachment A.

### **NEIGHBORHOODS COMMITTEE RECOMMENDATION**

At the February 9, 2011 meeting of the Neighborhoods/Community Affairs Committee, the Committee had a discussion regarding requiring Miami Beach restaurants to post scores given by the Health Department.

The discussion included examples such as New York City and Los Angeles, where restaurants are required to post grade letter scores in their restaurants. However, during the discussion, clarification was made that the method used in New York City includes assignment of a letter grade based on scores that result from inspections that are conducted by a city department.

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Restaurant Inspection Results*

In Florida, the process of reporting restaurant inspection results varies greatly from New York City at the NCAC meeting, the City Attorney advised that in Florida there exists state pre-emption regarding regulation of health standards in restaurants. Additionally, Florida does not produce a score from a restaurant inspection (which could be turned into a letter grade). The City would need to work with the State to see if a grading system could be developed, and, if approved, to authorize municipalities to require restaurants post their grade once there is a grading system established.

At the NCAC meeting, Commissioner Tobin made a motion to send to the Commission for their approval to start advocacy in Tallahassee to encourage the State to allow municipal governments to enact legislation covering what signage restaurants may be required to display, as well as direct Administration to bring back to the Committee for review, a plan comparable to that of New York City.

This item was included on the City's State Legislative Agenda in 2011 and 2012. However, this issue is strongly opposed by the Florida Restaurant and Lodging Association and to date the City has been unsuccessful in securing the local authority that is needed to implement this program. The Administration recommends that this issue remain on the City's State Legislative Agenda. This authority is unlikely to be approved, since the current legislative climate in Tallahassee will view this proposal as over-regulation and anti-business.

**CONCLUSION**

At this time, a plan comparable to that of New York City cannot be developed, since (1) legislative authority has not yet been secured to permit municipalities to determine what signage restaurants must post, and (2) the Florida inspection system does not result in scores or grades.

The Administration recommends that this issue remain on the City's State Legislative Agenda, and work with the State to develop a grading system that also provides some local authority regarding signage/posting requirements. Additionally, a link to the Florida Restaurant Inspection database is provided on the City's website, so that users may search for inspection results for a particular restaurant. The Administration further recommends continuing efforts to inform citizens on how to access this information.

KGB/MAS/kc

Attachment

## ATTACHMENT A – RESTAURANT INSPECTION RESULTS

### **MET INSPECTION STANDARDS during this visit.**

The inspector determined that any violations found did not warrant subsequent follow-up until the next routine inspection. Dispositions included in this result are:

**Inspection Completed – No Further Action** – Sanitary and safety conditions did not warrant a follow-up visit to ensure correction. Establishment will be inspected again at the next routine interval.

**Callback – Complied** – Return visit from a previous warning found violations to be corrected.

**Admin. Complaint Callback Complied** – Return visit resulting from an administrative complaint found violations to be corrected.

**Emergency Order Callback Complied** – Return visit resulting from a previous facility closure found violations to be corrected.

### **FOLLOW-UP INSPECTION REQUIRED: Violations require further review, but are not an immediate threat to the public.**

The inspector determined that violations require further action to ensure the public's health and safety, but are not severe enough to warrant immediate closure. Dispositions included in this result are:

**Warning Issued** – Sanitary and/or safety conditions require the inspector to return in the near future to ensure corrective action has been taken for violations found.

**Callback – Extension given, pending** – Return visit indicates establishment operator is attempting to comply, but is unable at this time due to circumstances beyond control. An example would be waiting for parts for a hood device or waiting for an appointment with an exterminator. Violations may not be noted again on these inspection reports.

**Callback – Administrative complaint recommended** – The establishment operator has not corrected the violations found in the initial inspection and further action is necessary to ensure compliance.

**Administrative complaint recommended** – Existence of critical violations found in an initial inspection require administrative action to ensure compliance.

**Admin. Complaint Callback Not Complied** – Corrections to violations that resulted in an administrative complaint were not completed at the time of inspection. Violations may not be noted again on these inspection reports.

**Administrative Complaint Time Extension** – Return visit indicates establishment operator is attempting to comply, but is unable at this time due to circumstances beyond control. Violations may not be noted again on these inspection reports.

**Emergency Order Callback Time Extension** – Return visit indicates establishment operator is attempting to comply, but is unable at this time due to circumstances beyond control. Violations may not be noted again on these inspection reports.

### **FACILITY TEMPORARILY CLOSED: Operations ordered stopped until violations are corrected.**

The inspector recommended closing the facility immediately after finding conditions that may endanger the health and safety of the public. Dispositions included in this result are:

**Emergency order recommended** – Conditions have been found that endanger the health and safety of the public requiring immediate closure of the establishment.

**Administrative determination recommended** – The establishment is operating without a license and action is being taken to ensure proper licensing is completed.

**Emergency Order Callback Not Complied** – Corrections to violations that resulted in an emergency order were not completed at the time of inspection. Violations may not be noted again on these inspection reports.